

### **Remarks/Arguments**

Claims 1, 5, 6, 8, 12-15, 17, 18, 20, 24-27, 31-48 are currently pending in the application for the Examiner's review and reconsideration. Claims 2-4, 7, 9-10, 11, 16, 19, 21-23 and 28-30 have previously been cancelled. Claim 1, 15, and 31 have been amended to more clearly define the claimed subject matter and the orientation of the various surfaces. Support for the amendments can be found on in claim 15 as originally filed and in paragraph [0004] of the specification. In view of the above amendments and the following remarks applicants respectfully request reconsideration of the claims.

#### **Rejections under 35 U.S.C. § 103(a)**

I. Claims 1, 5, 6, 12, 15, 17, 18, 24, 27, 31-33, 35, 38, and 41-45 are rejected under 35 U.S.C. § 103(a) as obvious over WO 02/072324 to Ljungar et al. ("Ljungar") in view of U.S. Patent No. 3,969,558 to Sadaشige ("Sadaشige"). Applicants respectfully traverse.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, the prior art reference(s) must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, "a patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. \_\_\_, No. 04-1350, slip op. at 14 (April 30, 2007). Rather,

[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and to the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.

*Id.* Further, "the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose." MPEP § 2145. Applicants respectfully submit that a *prima facie* case of obviousness has not been established by the cited references in regard to the currently pending claims.

The presently claimed invention is directed to a method for reducing emissions of one or more gaseous substances, emitted from an exposed glue line of an assembly of at least two pieces of wooden materials which have been glued together (e.g., a glue laminate beam), the

one or more gaseous substances belonging to the group of aldehydes or isocyanates. The method includes planing a surface oriented in a plane transverse to the plane of adhesive application (See ¶ [0004], “a planing step is usually performed on the surfaces transversely to the plane of adhesive application) having glue lines exposed, followed by treating this surface by application of a liquid treating composition containing one or more treating substances reactive to an aldehyde or an isocyanate. The method according to the invention provides long-lasting effect against aldehyde or isocyanate emissions.

In contrast, Ljungar is directed to a method of reducing the emission of formaldehyde from formaldehyde laden layered products have at least two layers, at least one of which being a veneer, wherein prior to bonding the layers together, at least one of the surfaces of said veneer is treated with a solution comprising an ammonium salt. In particular, Ljungar’s treatment is performed on surfaces that do not have any exposed glue lines, e.g. it is either performed on surfaces that are subsequently coated with adhesive, or performed on the backside surface of the veneer, by which is expressly meant the side facing away from the glue line.

As also acknowledged by the Examiner, Ljungar does not disclose, teach or suggest performing the treatment on any surface having any exposed glue lines. Ljungar teaches pre-treatment of surfaces that are to be bonded together (see Ljungar, page 6, lines 19-21), according Ljungar, pre-treatment provides for an easier handling during their application of the salt solution and eliminates the risk of discoloring of the outer layer of the layered product, whereas the present invention relates to post-treatment of surfaces that are intended to remain unbonded and having exposed glue lines. Although Ljungar’s examples 3, 5, and 8 (see Ljungar’s Tables 1 and 2) do relate to post-treatment, however, these treatments are performed on the backside of the veneers (the side facing away from the glue line). See Ljungar, page 5, lines 5-7. Further, applicants submit that although the claimed invention as previously submitted is clearly distinct from Ljungar the claims have been amended to more clearly differentiate between the cited references and the claimed invention. The claimed invention recites with more specificity the orientation of the respective adhesive/glued surfaces and the planed surface to which the liquid treating composition is applied. Thus, for the above reasons, Ljungar alone, does not provide any guidance to the skilled artisan as to arrive at the method recited in the present claims. To remedy the deficiencies of Ljungar, the Office cites Sadashige.

On the contrary, Sadashige is directed to a process for producing a sheet of wood veneer having a large area adaptable for mass-production and adapted to be made with

various wood patterns. Sadashige's log is divided into a plurality of individual flitches which are subsequently joined by adhesive to form a composite flitch.

Sadashige cannot remedy the above-described deficiencies of Ljungar because in order to arrive at the method recited in the present claims, the skill artisan would have to disregard Ljungar's teaching of pre-treatment of surfaces and perform a post-treatment of surfaces that are intended to remain unbonded and have exposed glue lines. Sadashige also does not teach or suggest reducing the emission of formaldehyde from their veneer sheets. In view of the above, combining the disclosure of Sadashige with the disclosure of Ljungar would not lead one of ordinary skill in the art to arrive at the Applicants' claimed invention.

For these reasons, the rejection of claims 1, 5, 6, 12, 15, 17, 18, 24, 27, 31-33, 35, 38, and 41-45 under 35 U.S.C. § 103(a) over Ljungar in view of Sadashige cannot stand and should be withdrawn.

II. Claims 8, 13, 14, 20, 25, 26, 34, 37, and 46 are rejected under 35 U.S.C. § 103(a) as obvious over WO 02/072324 to Ljungar et al. ("Ljungar") in view of U.S. Patent No. 3,969,558 to Sadashige ("Sadashige") as applied to claims 1, 6, and 15 above, and further in view of GB 2 062 039 to Rohringer, et al. ("Rohringer"). Applicants respectfully traverse.

As described above, Ljungar and Sadashige would not lead one of ordinary skill in the art to arrive at the Applicants' claimed invention.

Further, Rohringer fails to cure the deficiencies of Ljungar and Sadashige. Rohringer is directed to a process for flame proofing hardwood in which the wood is treated with an aqueous formulation under excess static pressure. Rohringer also does not disclose, teach or suggest that a treating composition can be applied to the planed surface, oriented in a plane transversely to the plane of the adhesive application, of a laminate assembly having exposed glue lines, more specifically for reducing emissions of one or more gaseous substances, emitted from an exposed glue line of an assembly of at least two pieces of wooden materials which have been glued together. Therefore, the Rohringer reference in combination with Ljungar and Sadashige does not teach or suggest the claimed invention. On this basis alone, combining the disclosures of Sadashige and Rohringer with the disclosure of Ljungar would not lead one of ordinary skill in the art to arrive at the Applicants' claimed invention.

For these reasons, the rejection of claims 8, 13, 14, 20, 25, 26, 34, 37, and 46 under 35 U.S.C. § 103(a) over Ljungar in view of Sadashige and in further view of Rohringer cannot stand and should be withdrawn.

III. Claims 39 and 40 are rejected under 35 U.S.C. § 103(a) as obvious over WO 02/072324 to Ljungar et al. (“Ljungar”) in view of U.S. Patent No. 3,969,558 to Sadashige (“Sadashige”) as applied to claim 38 above, and further in view of U.S. Publication No. 2003/0224122 to Lopez (“Lopez”). Applicants respectfully traverse.

Similarly, Lopez also fails to cure the deficiencies of Ljungar and Sadashige. Lopez is directed to roll coating wood substrates for fire-retardant treatment. Lopez also does not disclose, teach or suggest that a treating composition can be applied to the planed surface, oriented in a plane transversely to the plane of the adhesive application, of a laminate assembly having exposed glue lines, more specifically for reducing emissions of one or more gaseous substances, emitted from an exposed glue line of an assembly of at least two pieces of wooden materials which have been glued together. Therefore, the Lopez reference in combination with Ljungar and Sadashige does not teach or suggest the claimed invention. On this basis alone, combining the disclosures of Sadashige and Lopez with the disclosure of Ljungar would not lead one of ordinary skill in the art to arrive at the Applicants’ claimed invention.

For these reasons, the rejection of claims 39 and 40 under 35 U.S.C. § 103(a) over Ljungar in view of Sadashige and in further view of Lopez cannot stand and should be withdrawn.

IV. Claims 47 and 48 are rejected under 35 U.S.C. § 103(a) as obvious over WO 02/072324 to Ljungar et al. (“Ljungar”) in view of U.S. Patent No. 3,969,558 to Sadashige (“Sadashige”) as applied to claim 1 and 15 above, and further in view of DE 4,114,518 to Kahrmann et al (“Kahrmann”). Applicants respectfully traverse.

As described above, Ljungar and Sadashige would not lead one of ordinary skill in the art to arrive at the Applicants’ claimed invention.

Further, Kahrmann fails to cure the deficiencies of Ljungar and Sadashige. Kahrmann is directed to a process for coating wood and timber products with a resistant base coat and/or top coat, which comprises a formaldehyde resin. For this reason alone would the skilled artisan not be motivated to combine the teachings of Kahrmann with Ljungar. Moreover, Kahrmann also does not disclose, teach or suggest that a treating composition can be applied to the planed surface, oriented in a plane transversely to the plane of the adhesive application, of a laminate assembly having exposed glue lines, more specifically for reducing emissions of one or more gaseous substances, emitted from an exposed glue line of an assembly of at least two pieces of wooden materials which have been glued together. Therefore, the Kahrmann reference in combination with Ljungar and Sadashige does not teach or suggest

the claimed invention. On this basis alone, combining the disclosures of Sadashige and Kahrmann with the disclosure of Ljungar would not lead one of ordinary skill in the art to arrive at the Applicants' claimed invention.

For these reasons, the rejection of claims 47 and 48 under 35 U.S.C. § 103(a) over Ljungar in view of Sadashige and in further view of Kahrmann cannot stand and should be withdrawn.

In view of the foregoing remarks, Applicants respectfully submit that the claims are in condition for allowance. Early and favorable action by the Examiner is earnestly solicited. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the telephone number indicated below to discuss the same.

Respectfully submitted,

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